

Our File No. 201881

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NEW JERSEY**

TRACEY BOYD-MCFADDEN	:	
	:	
Plaintiff,	:	
	:	
-against-	:	CIVIL ACTION NO.:
	:	
JOSEPH METRO CLARK, RYDER TRUCK	:	
RENTAL, LILY TRANSPORTATION	:	
CORPORATION, IRONCLAD LOGISTICS,	:	
LLC, JOHN DOE 1-5 and ABC CORP. 1-5 (a	:	
person, persons, entity or Entities, whose	:	
identity is Presently unknown)	:	
	:	
Defendants.	:	

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF JERSEY:

Defendant, Lily Transportation Corp. i/p/a Lily Transportation Corporation, by and through its attorneys, Salmon Ricchezza Singer & Turchi, LLP, respectfully aver as follows:

1. At all material times hereto, plaintiff, Tracey Boyd-McFadden, was and is a citizen of the State of New Jersey. (See Exhibit "A"- Plaintiff's Complaint).

2. At all material times, Lily Transportation Corp. i/p/a Lily Transportation Corporation was and is a corporation organized under the laws of the State of Massachusetts, with its principal place of business in Needham, Massachusetts.

3. At all material times, defendant Ryder Truck Rental, Inc. d/b/a Ryder Transportation Services i/p/a Ryder Truck Rental, was and is a corporation organized under the laws of the State of Florida, with its principal place of business in Miami, Florida.

4. At all material times, defendant, Ironclad Logistics, LLC's sole member is Lily Transportation Corp., which was and is a corporation organized under the laws of the State of

Massachusetts, with its principal place of business in Needham, Massachusetts. Therefore, Ironclad Logistics, LLC is not a citizen of the State of New Jersey.

5. At all material times, defendant Joseph Metro Clark, was and is a citizen of the Commonwealth Pennsylvania.

6. Plaintiff commenced a civil action against defendants in the Superior Court of New Jersey, Bergen County, on or about December 5, 2017. Defendant, Lily Transportation Corp. i/p/a Lily Transportation Corporation, received copies of Plaintiff's Summons and Complaint on or about December 8, 2017. Upon information and belief, defendants Lily Transportation Corp. i/p/a Lily Transportation Corporation, Ryder Truck Rental, Inc. d/b/a Ryder Transportation Services i/p/a Ryder Truck Rental, Joseph Metro Clark, and Ironclad Logistics, LLC, have not been served with the Summons and Complaint. As within thirty days of defendant Lily Transportation Corp. i/p/a Lily Transportation Corporation's receipt of copies of the Summons and Complaint, this removal petition is timely filed pursuant to 28 U.S.C. § 1446(b).

7. Plaintiff's Complaint does not contain a statement of alleged monetary damages. However, that Complaint alleges:

Plaintiff was caused to sustain serious and permanent injuries and more particularly defined and set forth in N.J.S.A. 39:6A-8(a), and has suffered great pain, shock, and mental anguish, and was and still is, incapacitated and will be permanently disabled, and has in the past and will in the future be caused to expend substantial sums of money for medical treatment (Exhibit A – Plaintiff's Complaint, Count 1, Paragraph 5)

8. Accordingly, plaintiff has set forth a claim in which the amount in controversy is in excess of the federal jurisdictional threshold of \$75,000, exclusive of interest and costs, pursuant to 28 U.S.C. § 1332.

9. Although it is believed and therefore averred that Ryder Truck Rental, Inc. d/b/a Ryder Transportation Services i/p/a Ryder Truck Rental, Joseph Metro Clark, and Ironclad Logistics, LLC have not been served, if they have been served they herein consent to this removal through undersigned counsel.

10. Diversity of citizenship within the meaning of 28 U.S.C. §1332 exists between plaintiff and defendants because:

- (a) At all material times hereto, plaintiff, Tracey Boyd-McFadden, was and is a citizen of the State of New Jersey.
- (b) At all material times, defendant, Lily Transportation Corp. i/p/a Lily Transportation Corporation was and is a corporation organized under the laws of the State of Massachusetts, with its principal place of business in Needham, Massachusetts.
- (c) At all material times, defendant Ryder Truck Rental, Inc. d/b/a Ryder Transportation Services i/p/a Ryder Truck Rental, was and is a corporation organized under the laws of the State of Florida, with its principal place of business in Miami, Florida.
- (d) At all material times, defendant, Ironclad Logistics, LLC's sole member is Lily Transportation Corp., which was and is a corporation organized under the laws of the State of Massachusetts, with its principal place of business in Needham, Massachusetts. Therefore, Ironclad Logistics, LLC is not a citizen of the State of New Jersey.
- (e) At all material times, defendant Joseph Metro Clark, was and is a citizen of the Commonwealth of Pennsylvania.

11. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that defendants are entitled to removal pursuant to 28 U.S.C. §1441 as amended, and 28 U.S.C. §1446.

WHEREFORE, Defendant, Lily Transportation Corp. i/p/a Lily Transportation Corporation and herein prays that the above captioned action now pending in the Supreme Court, Bergen County, be removed therefrom to this Honorable Court.

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12-28-17